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Total Number of Pages in This Submission: 7

Application Number	09/822,436
Filing Date	03/0/2001
First Named Inventor	Nevenka Dimitrova
Art Unit	2623
Examiner Name	Annan Q. Shang
Attorney Docket Number	US010161

ENCLOSURES *(Check all that apply)*

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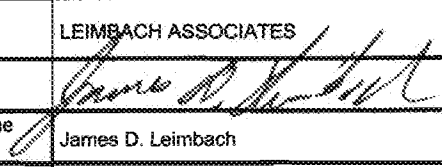
Signature			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of Nevenka Dimitrova, et al.	Group Art Unit: 2623 Examiner: Annan Q. Shang
SYSTEM FOR PARENTAL CONTROL IN VIDEO PROGRAMS BASED ON MULTI- MEDIA CONTENT INFORMATION Filed: March 30, 2001	Serial No. 09/822,436 Confirmation No. 8474

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REPLY BRIEF UNDER 37 C.F.R. § 41.41

This paper contains the appellants' Reply Brief under the provisions of 37 C.F.R. § 41.41 to the Examiner's Answer mailed October 19, 2006.

Grounds of Rejection to be Reviewed on Appeal

Claims 1-28 are the appealed claims. Appealed claims 1-11, 15-21 and 25-28 are rejected under the provisions of 35 U.S.C. §102(b) has been anticipated by U.S. Patent No. 6,115,057 issued in the name of Kwoh et al. (hereinafter referred to as *Kwoh et al.*). Appealed claims 12-14 and 22-24 are rejected under the provisions of 35 U.S.C. §103(a) has been obvious over *Kwoh et al.* in view of U.S. Patent No. 4,074,075 issued in the name of Alexander et al. (hereinafter referred to as *Alexander et al.*).

The rejection of appealed claims 1-11, 15-21 and 25-28 under the provisions of 35 U.S.C. §102(b) as being anticipated via over *Kwoh et al.*

This Examiner's Answer mailed October 19, 2006 asserts that *Kwoh et al.* teach that receiver 10005 Decoder/Command Controller 724 for splitting the multimedia program into a plurality of multimedia components (PG-13 rated video, G rated video, audio text, closed caption, etc.) and extract the video, audio, text, closed caption, etc., from segment within the multimedia components.

The appellants, respectfully, point out that the appealed claims 1 and 16 define subject matter for splitting the multimedia program into a plurality of multimedia components and extracting audio, video, and transcript features from segments within the multimedia components. In the Examiner's Answer, the examiner asserts that PG-13 rated video, G rated video, audio, text and closed caption are the components within *Kwoh et al.*. The rejection and the Examiner's Answer fail to show any sort of extracting of audio, video, and transcript features from segments within the stated components of *Kwoh et al.*, e.g. PG-13 rated video, G rated video, audio text and closed caption. *Kwoh et al.* teach to use ranking already supplied within the (vertical blanking interval) VBI. The PG-13 and G ratings for video content are stated by the rejection as being components themselves. There is no extracting of features from the segments of the PG-13 or G rated video content disclosed or suggested by *Kwoh et al.* The rejection has selected a definition for "multimedia components" that is not consistent with a definition that a person of ordinary skill within the art would apply to the term "multimedia components". A person of ordinary skill within the art view the term "multimedia components" as relating to audio data, video data or a combination of audio and visual data. A person of ordinary skill

within the art would not view the term "multimedia components" as being equivalent to the PG-13 and G ratings for video content.

The MPEP at §2111.01 states that the "ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, *i.e.*, as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313, 75 USPQ2d 1321, 1326 (Fed. Cir. 2005) (*en banc*). The appellants, assert, that the ordinary and customary meaning that a person of ordinary skill would apply to the term "multimedia components" would not include PG-13 rated video or G rated video.

The MPEP at §2111.01 further states that an "applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)." *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994). The specification for the present application for invention as originally submitted was published as United States Published Application No. 2002/0147782. Paragraph 8, of United States Published Application No. 2002/0147782 states that the three multimedia components of the feature extraction are represented by the transcript analysis component 150, the visual analysis component 160, and the audio analysis component 170. The appellants, respectfully, assert that the term "multimedia components" should not be viewed as including PG-13 rated video or G rated video.

The examiner's Answer further asserts that video, audio, text and closed caption are components within *Kwoh et al.* *Kwoh et al.* on col. 16, line 7-col. 17, line 31 describe using text data within the VBI to generate a textual display during periods of blocked video. The text data provides a "sanitized" (see col. 18, line 60) verbal description to replace the blocked content. The text data should not be viewed as a transcript feature that is extracted from a multimedia component. The text data is contained in the VBI which is not listed by the rejection as being a multimedia component. The appellants, respectfully, point out that appealed claim 1 further defines subject matter for generating a numeric ranking for the filter criteria for each of the segments. *Kwoh et al.* teach to extract preexisting rating data fro the VBI. *Kwoh et al.* do not disclose or suggest the generation of rating based on each of the segments. Even if an expanded interpretation of the recited claim elements viewed the text data of *Kwoh et al.* as

transcript features that are somehow extracted from one of the segments of a multimedia component, there is no disclosure or suggestion within *Kwoh et al.* for the generation of a numeric ranking for the text data segments that is used for filter criteria. It should be noted that the text data that are contained on the VBI are not even listed by the rejection as a potential multimedia component. Appealed claim1 requires that *Kwoh et al.* teach a numeric ranking for the text data in the VBI. The appellants assert there is no disclosure or suggestion of any numeric ranking being generated for the text data within *Kwoh et al.*

Kwoh et al. discuss the text decoder and rating data detector being sent data from the VBI splicer at col. 17, line 32 - col. 18, line 20. Note that *Kwoh et al.* do not generate any sort of numeric ranking but instead use the rating levels that are placed within the VBI.

The appellants assert that there are video, audio, closed caption audio and video related items within the VBI that can be reasonably construed to be features from segments of "multimedia components" from a multimedia program.

Kwoh et al. teach that data packets indicative of a particular rating level can be associated with program segments and inserted into the VBI (see col. 11, 49-67). *Kwoh et al.* further teach that the vertical blanking interval can be used to contain the rating data, that the rating data can be extracted from the vertical blanking interval to block specific program segments at col. 16, lines 7-29. *Kwoh et al.* further teach that a VBI decoder can be used to scan VBI lines that include data or predetermined video indicators at col. 14, lines 7-18. *Kwoh et al.* disclose at col. 16, line 66-col. 27, line 31 extracting rating data and text data from the VBI transmitted in a television signal.

Kwoh et al. disclose using information contained within the vertical blanking interval (VBI) to make determinations for filtering. It should be noted that *Kwoh et al.* do not disclose or suggest subject matter for splitting the multimedia program into a plurality of multimedia components and extracting audio, video, and transcript features from segments within the multimedia components. It should further be noted that *Kwoh et al.* do not disclose or suggest any generating of ranking that is used for filtering. *Kwoh et al.* teach to use the ranking that is already supplied within the VBI. *Kwoh et al.* discuss the text decoder and rating data detector being sent data from the VBI

slicer at col. 17, line 32 - col. 18, line 20. Note that *Kwoh et al.* do not generate any sort of numeric ranking but instead use the rating levels that are included in the VBI.

The rejection of appealed claims 12-14 and 22-24 under the provisions of 35 U.S.C. §103(a) as being obvious over *Kwoh et al.* in view of *Alexander et al.*

In the Examiner's Answer, the examiner admits that *Kwoh et al.* fail to disclose providing of training segments having content that learn to identify content matching the filter criteria. The examiner alleges that *Alexander et al.* disclose training segments having content that learn to identify content matching the filter criteria. *Alexander et al.* teach an Electronic Programming Guides (EPG) with improved viewer interaction capabilities. *Alexander et al.* teach to create, analyze and characterize user profiles (col. 28, line 10 – col. 30, lines 1, *et seq.*). *Alexander et al.* teach analyzing and characterizing viewer profile information and make no disclosure or suggestion related to extracting audio, video, and transcript features from segments within the multimedia components and generating a numeric ranking for the filter criteria for each of the segments.

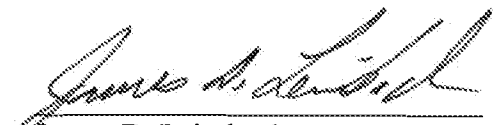
The MPEP at §2143.01 states that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). *Kwoh et al.* disclose using information contained within the vertical blanking interval (VBI) to make determinations for filtering. If *Kwoh et al.* were modified as stated by the rejection, the modified *Kwoh et al.* would be unsatisfactory for its intended purpose. *Alexander et al.* teach analyzing and characterizing viewer profile information, attempts to force *Kwoh et al.* to analyze and characterize viewer profile information within the VBI for the functions associated with an Electronic Programming Guides would render *Kwoh et al.* so modified unsatisfactory for its intended purpose. Therefore, there is no suggestion or motivation to make the modification proposed by the rejection.

The MPEP at §2143.01 states that if the proposed modification the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). *Kwoh et al.* disclose using information contained within the vertical blanking interval (VBI) to make determinations for filtering. If *Kwoh et al.* were modified as stated by the rejection, it would change the principle of operation of the prior art invention being modified,. *Alexander et al.* teach analyzing and characterizing viewer profile information, attempts to force *Kwoh et al.* to analyze and characterize viewer profile information within the VBI for the functions associated with an Electronic Programming Guides would change the principle of operation of *Kwoh et al.* Therefore, the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Conclusion

In summary, the examiner's rejections of the claims are believed to be in error for the reasons explained above. The rejections of each of claims 1-28 should be reversed.

Respectfully submitted,



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